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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,144

11/22/2005

Kaiyan Wei

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2527

7590

08/11/2008

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EXAMINER

BATTULA, PRADEEP CHOUDARY

ART UNIT

PAPER NUMBER

3725

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/526,144	Applicant(s) WEI, KAIYAN	
	Examiner PRADEEP C. BATTULA	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the reply filed on April 23, 2008

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 21 – 29, 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaish et al. (Kaish; U.S. 5,974,150).

In regards to Claims 21 and 32, Kaish discloses an encrypted texture label for anti-forgery of an object (Column 22, Lines 27 – 31) having a predetermined serial number 6 (Column 22, Lines 31 – 33; Figure 1, Item 6) and bearing said encrypted texture label, comprising: a fiber texture sector 4 having randomly distributed pieces of fiber threads 3 to form a fiber image (Column 22, Lines 28 – 31, 39 – 46; Figure 1, Items 3, 4); and a planar bar code 9 sector defining a planar code in said planar bar code sector (Column 22, Lines 31 – 37; Figure 1, Item 9), wherein said planar bar code is adapted for storing information of said fiber image of said fiber texture sector by using an algorithm (encryption is well known to be done by an algorithm) (Column 22, Lines 38 – 42) and said serial number of said object by using a first pre-set algorithm (It is well known for product identification information to be part of bar codes associated with the product and since the label uses an algorithm the algorithm is capable of being programmed to have the serial number/product identification; the only requirement of

the utility claim is that the structure is capable of the method), wherein said fiber texture sector and said planer bar code sector form a unique anti-forgery representation and a product identification of said product so as to maximize a difficulty in unauthorized reproduction of said encrypted texture label (Column 22, Lines 28 – 31, 39 – 46 teaches that the fibers can be anywhere on the substrate and therefore can be in the same area as the bar code [they can be in an overlapping manner]).

In regards to Claim 22, Kaish further discloses wherein said fiber threads are transparent when exposed to natural light, while generating visible light under radiation of light having a predetermined wavelength (Column 22, Lines 27 – 31, Column 4, Lines 58 – 65 – Kaish ; Provided definition of dichroic).

In regards to Claim 23, Kaish further discloses wherein said fiber threads are arranged to generate visible light when exposed to ultraviolet light and infrared light (Column 22, Lines 27 – 31, Column 4, Lines 58 – 65 – Kaish; Provided definition; term white light - it is well known that white light is sunlight and therefore ultraviolet light).

In regards to Claim 24, Kaish further discloses wherein said fiber threads are pieces of colored fiber threads (Column 12, Lines 1 – 7; fibers are fluorescent; Kaish).

In regards to Claims 25 and 26, Kaish further discloses wherein said visible light generated by said fiber threads is selected from a group consisting of red, blue and orange (Column 12, Lines 1 – 7; fluorescent colors include orange, red and blue colors; Kaish).

In regards to Claims 27 and 28, Kaish does not disclose the label further comprising an additional anti-forgery watermark, however Kaish does disclose that they

are well known to be used in similar documents and are helpful (Column 2, Lines 9 – 20; They are well known to be used and are often helpful). Therefore it would have been obvious to a person having ordinary skill in the art to further have a watermark in order to limit the likelihood of counterfeiting (Column 2, Lines 9 – 13).

In regards to Claim 29, Kaish further discloses the label further comprising a digital sector 8 having at least a visible number printed thereon (MICR Text), wherein said visible number is generated through a second pre-set algorithm from said information stored in the said planar bar code sector (Column 16, Lines 54 – 64; multi level algorithm for the data which encrypts the same information in different algorithms; Kaish teaches of multiple algorithms to produce the encrypted information and therefore the visible number is capable of being generated through a second pre-set algorithm).

In regards to Claim 31, Kaish further discloses the label having a smooth side (front surface since it is paper) and a mat side, and said mat side having an adhering ability on it (Column 22, Lines 27 – 31; Inherent it is adhesive since the item is a product label and labels are well known to have adhesive on the back side. Throughout disclosure the label is taught to be on a product [Column 11, Lines 1 – 2 teach of labels on products]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaish in view of Levy (U.S. 4,973,088).

Levy teaches of providing labels with low tack adhesive tape on the back surfaces of the label (Column 3, Lines 6 – 10) and further teaches that such is merely an alternative to providing adhesive on the backside of a label (Column 2, Lines 62 – 65 → Column 3, Lines 1 – 5). Levy provides the teaching of substrates being provided with a backside having adhesive tape in order for adherence to an object (Figure 1). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide an adhesive tape to the back portion/mat side of Kaish's label in order to provide an alternative adhesive means (Column 2, Lines 62 – 67 → Column 1 – 10).

Response to Arguments

Applicant's arguments filed April 23, 2008 have been fully considered but they are not persuasive. The applicant seems to be arguing mostly on process as opposed to the structure. For example, the image of Kaish not requiring the whole image for verification is true, however, Kaish can also be verified with the whole image. Other elements are addressed in the rejection. The structure of the product is only required to be capable of performing any process.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **PRADEEP C. BATTULA** whose telephone number is (571)272-2142. The examiner can normally be reached on Mon. - Thurs. & alternating Fri. 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Derris H. Banks** can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C. B./
Examiner, Art Unit 3725
August 7, 2008

/Derris H Banks/
Supervisory Patent Examiner, Art Unit 3725